

Message Text

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22

ACTION EB-07

INFO OCT-01 EA-07 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 FAA-00 SS-15 L-03 H-02 /044 W

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R 300403Z JAN 76

FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC 2442

LIMITED OFFICIAL USE JAKARTA 1326

E.O. 11652: N/A

TAGS: EAIR, ID

SUBJECT: US-INDONESIA CIVAIR NEGOTIATIONS

1. SUMMARY: CIVAIR NEGOTIATIONS WERE ADJOURNED JANUARY 29 AFTER INDO DEL SAID IT WAS UNDER INSTRUCTIONS NOT TO NEGOTIATE BEYOND POSITION PREVIOUSLY TAKEN. USDEL PROPOSED MODUS VIVENDI TO SPECIFY HOW GOVERNMENTS WOULD ACT ON CIVAIR ISSUES WHICH WOULD ARISE PENDING FURTHER TALKS IN ABOUT YEAR. WHEN INDO DEL SAID IT COULD NOT DISCUSS HOW MATTERS SHOULD BE LEFT, USDEL SAID OFFER OF MODUS VIVENDI WOULD REMAIN OPEN.

2. THE THREE MAIN ISSUES WHICH MADE AGREEMENT IMPOSSIBLE AND ON WHICH RESPECTIVE POSITIONS WERE FAR APART WERE FREQUENCY LEVELS AFTER FIRST YEAR, ALL-CARGO FLIGHTS, AND FIFTH FREEDOM RIGHTS FOR US. END SUMMARY.

3. RE FORMAT OF UNDERSTANDING, DELEGATIONS FINALLY AGREED THAT UNDERSTANDING WOULD HAVE NO TERMINATION DATE. HOWEVER, USDEL COUPLED ITS ACCEPTANCE OF THIS ON SPECIFIC INCREASED FREQUENCY LEVELS IN SECOND AND THIRD YEAR. INDO-DEL WOULD NOT AGREE TO ANY SPECIFIED FREQUENCY INCREASES BEYOND INITIAL LEVELS AND INSISTED INCREASES MUST BE DETERMINED IN FURTHER CONSULTATIONS BASED ON TRAFFIC DEMAND. INDO DEL WOULD ALSO NOT AGREE TO ANY ALL-CARGO FLIGHTS.

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4. RE FIFTH FREEDOM RIGHTS, INDO DEL EVENTUALLY OFFERED SUCH RIGHTS ON ONE FLIGHT PER WEEK BETWEEN AUSTRALIA AND BALI AND BETWEEN HONG KONG AND BALI. USDEL SAID IT WAS WILLING LIMIT NUMBER OF FLIGHTS WHICH COULD CARRY FIFTH FREEDOM TRAFFIC, BUT DIFFERENCES WERE SO FAR APART THAT USDEL DECIDED NOT TO TRY TO CLOSE GAP ONCE IT WAS APPARENT INDO DEL HAD NO AUTHORITY TO NEGOTIATE FURTHER. US PROPOSAL WAS AS FOLLOWS (FIRST, SECOND, THIRD YEARS) FOR COMBINATION FREQUENCIES:

FIJI AND NEW ZEALAND 4-5-6;
AUSTRALIA AND HONG KONG 3-5-5;
PHILIPPINES, TAIWAN, MALAYSIA, SINGAPORE 1-2-2. FOR ALL-CARGO FREQUENCIES;
JAPAN, PHILIPPINES, TAIWAN, MALAYSIA, SINGAPORE 1-2-2;
OTHERS ZERO.

5. AT LAST SESSION ON JANUARY 20, AFTER BOTH DELS AGREED THAT THE REMAINING ISSUES COULD NOT BE RESOLVED, USDEL SAID IT WAS PREPARED RESUME TALKS AT AN APPROPRIATE TIME, AND, IN MEANTIME, SUGGESTED A MODUS VIVENDI AS A MEANS OF AVOIDING DIFFICULTIES WHICH COULD ARISE ON BOTH SIDES FROM PENDING APPLICATIONS. WE NOTED THAT, IN ABSENCE SOME SUCH ARRANGEMENT, THERE WOULD BE NO AGREEMENT BASIS FOR GARUDA'S APPLICATION TO CAB FOR LOS ANGELES AUTHORITY. AT THIS POINT, INDO DEL CHAIRMAN ASKED FOR PRIVATE MEETING. HE SAID HE WAS UNDER FIRM INSTRUCTIONS FROM MINISTER OF COMMUNICATIONS TO OFFER NO MORE CONCESSIONS AND TO ADJOURN MEETING IF USDEL WOULD NOT ACCEPT INDONESIAN POSITION. UNDER THESE CIRCUMSTANCES, HE COULD NOT DISCUSS A FURTHER MEETING, MODUS VIVENDI, OR ANYTHING ELSE. DELEGATIONS RESUMED TALKS. USDEL SAID MODUS VIVENDI OFFER WOULD REMAIN OPEN. A BRIEF MEMORANDUM OF CONSULTATIONS WAS DRAFTED WHICH SAYS TALKS WERE HELD, THEY WERE FRIENDLY, AND THAT SINCE AGREEMENT COULD NOT BE REACHED, BOTH DELS AGREED TO REPORT MATTER TO THEIR GOVERNMENTS.

6. USDEL IS DRAFTING MODUS VIVENDI WHICH IT WILL LEAVE WITH AMBASSADOR IN EVENT INDONESIANS DECIDE THEY WANT TO PURSUE IT. TEXT WILL BE SENT SEPTTEL. WE DOUBT IT WILL BE ACCEPTED BECAUSE IT APPEARS INDONESIA NOT LIMITED OFFICIAL USE

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Message Attributes

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Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
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Disposition Date: 28 MAY 2004
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Disposition History: n/a
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